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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,568

06/26/2003

Edmund Chan

7313

7590

12/28/2004

EDMUND CHAN  
2114 JUNCTION AV.  
EL CERRITO, CA 94530-1730

EXAMINER

CHOI, JACOB Y

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/608,568

Applicant(s)

CHAN, EDMUND

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/23/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 30 & 70. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: each claim should end with a period (lines 2 & 22 contain periods). Appropriate correction is required.
3. Claims 2 & 3 are objected to because of the following informalities: the phrase "said the" is redundant. Appropriate correction is required.

4. Claim 3 is objected to because of the following informalities: the phrase "said clip rather than be said rotatable hook" is not clear. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said additional wheel retainers" in line 12. There is insufficient antecedent basis for this limitation in the claim.

A broad range or limitation followed by linking terms (e.g., preferably, they can, maybe, for instance, especially ... est.) and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The term "its" in claim 1 is a relative term which renders the claim indefinite. The term "its" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention. Appropriate correction is required to define the term "its".

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (USPN 6,161,943) in view of Baker (USPN 4,672,515) and Prester (USPN 4,535,395).

Regarding claim 1, Chang discloses a circular shaped main housing (50), a flat housing cover (Figure 9), an electrical cable (wire), a hanging hook (57), a lamp (30), a lamp socket (12), the main body having a flat bottom (Figure 9) and an integral side surround wall and an integral perpendicularly disposed flange (56) extending outwardly from the outside of the flat portion of the flat bottom, the flat bottom internally supporting four perpendicularly disposed posts (85, 88 & Figure 5, 6), one the power capable of centrally and rotatably retaining a central located roller wheel, three the remaining posts located near the three corners of the flat bottom of the triangular main housing, the three posts capable of retaining wheel shaped rotatable retainers (Figure 11), two the wheel retainers made of rigid material and one the wheel retainer made of a resilient material such as felt or rubber or the like, the central wheel (Figure 12) and the

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additional wheel retainers positioned in such a way that they can *slidably retain the electrical cable which is round its outer cross section*, the housing cover (50) enclosing the central wheel and the retaining wheels and held in place by screws (Figure 9 & 10; center of the housing) that mate with threads located in the top of the wheel retaining posts, the cable (wire) terminating on one end in a lamp socket, the housing flange including a post which rotatably retains a standard hook member (57), and the housing cover plate being made of rigid material such as plastic or metal and having an integral frame portion capable of retaining a standard magnet.

Chang discloses the claimed invention except for the magnet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a magnet member of Baker (20), instead of hook of Chang (57) to position the lighting device in place. The magnet member of Baker may have benefit of attaching the lighting device onto a metal surface.

Chang discloses the claimed invention except for the specific details of the wall pack transformer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize well known power transformer of Prester (184) to provide the light device with correct power supply, which is necessary for Chang's working lamp to perform.

Chang discloses the claimed invention except for applicant's specified material for the wheel retainer & housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rubber material for the wheel retainer & metal material for the housing, since it has been held to be within the general

skill of a worker in the art to select a known material on the basis of its suitability of the intended use as a matter of obvious design variation. *In re Leshin*, 125 USPQ 416.

Note: It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 2, Chang in view of Baker & Prester disclose the claimed invention, explained above. In addition, Chang discloses the retainer wheel which is made of resilient material is capable of frictionally retaining the cable so that when a user slides the main housing to the left or right, the lamp can hang higher or lower and remain in position until the user slides the housing to a different location.

Regarding claim 3, Chang in view of Baker & Prester disclose the claimed invention, explained above. In addition, Baker discloses a spring biased clip (22) that has a ferrous metal plate fixedly attached and that is comparable in size to the magnet located on the outside of the housing cover so that the user can mount the task light via the clip rather than be the rotatable hook.

Regarding claim 4, Chang in view of Baker & Prester disclose the claimed invention, explained above. In addition, Chang discloses the task light assembly is compact and therefore has less chance of interfering with the user's ability to perform a task.

Regarding claim 5, Chang in view of Baker & Prester disclose the claimed invention, explained above. In addition, Prester discloses the lamp is powered by a battery power source.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. Gottlieb (USPN 1,748,601) – electric cord take-up

Noorigian (USPN 4,378,473) – retractable drop light

H. P. Hill (USPN 570,801) – street lamp hanger

M. Schiller (USPN 792,463) – hoisting device

H. W. Hanwell (USPN 846,563) – lamp pendant


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

  
Stephen Husar  
Primary Examiner